

1-3IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TERRA PARTNERS; TERRA XXI, LTD.; §
ROBERT WAYNE VEIGEL; §
ELLA MARIE WILLIAMS VEIGEL; §
VEIGEL FARMS, INC.; §
VEIGEL CATTLE COMPANY; and §
VEIGEL FARM PARTNERS, §

Plaintiffs, §

v. §

AG ACCEPTANCE CORPORATION, §

Defendant. §

No. 2:15-cv-236-J
Judge Robinson

APPENDIX TO AG ACCEPTANCE'S
MOTION FOR SUMMARY JUDGMENT

Defendant Ag Acceptance Corporation submits the following Appendix pursuant to Local Rule 7.1(i), and by this pleading states its intent to use the following documents as proof in support of its Motion for Summary Judgment filed in this cause.

EXHIBIT	DOCUMENT	APP PAGE#S
1	Affidavit of Barbara Whiten Balliette	1-4
A	Injunction - <i>Terra Partners v. Rabo Agrifinance, Inc. and Ag Acceptance Corporation</i> , 504 F. App'x 288, 291 (5th Cir. 2012) cert. denied sub nom. <i>Veigel v. Rabo Agrifinance, Inc.</i> , 133 S. Ct. 2398 (2013)	5-8
B	Friemel Settlement – Settlement Agreement in <i>Friemel, et al. v. Ag Acceptance Corporation, et al.</i> , in the 222nd Judicial District Court of Deaf Smith County, Texas	9-14
C	Plaintiffs' Initial Disclosures in this action	15-20
D	String email between counsel from November 30, 2015 to February 2, 2016	21-25
E	November 9, 1994 Promissory Note for \$1,962,100	26-31

F	November 9, 1994 Promissory Note for \$1,037,900	32-37
G	February 5, 2013 Defendants' Motion for Relief of Judgment in Cause No. D-1010-cv-200700111, <i>Rabo Agrifinance, Inc. v. Terra XXI, Ltd., et al.</i> , in the Tenth Judicial District Court, County of Quay, State of New Mexico	38-45
H	Opinion in <i>Rabo Agrifinance, Inc. v. Terra XXI, Ltd.</i> , 336 P.3d 972 (2014)	46-52
I	February 10, 2015 Motion for Rule I-060(B) Relief and Request for Stay of Foreclosure Sale in Cause No. D-1010-cv-200700111, <i>Rabo Agrifinance, Inc. v. Terra XXI, Ltd., et al.</i> , in the Tenth Judicial District Court, County of Quay, State of New Mexico	53-87
J	May 15, 2015 Order in Cause No. D-1010-cv-200700111, <i>Rabo Agrifinance, Inc. v. Terra XXI, Ltd., et al.</i> , in the Tenth Judicial District Court, County of Quay, State of New Mexico	88-89
K	November 18, 2015 Opinion in No. 34,757, <i>Rabo Agrifinance, Inc. v. Terra XXI, Ltd., et al.</i> , In the Court of Appeals of the State of New Mexico	90-95
L	January 29, 2016 Order in No. S-1-SC-35642, <i>Rabo Agrifinance, Inc. v. Terra XXI, Ltd., et al.</i> , in the Supreme Court of the State of New Mexico	96-98

This Appendix and its attachments are incorporated by reference into Defendant's Brief in Support of its Motion for Summary Judgment filed in this cause.

Dated: February 5, 2016

Respectfully submitted,

/s/ Barbara Whiten Balliette

Barbara Whiten Balliette

State Bar No. 00788660

bballiette@rctlegal.com

REID COLLINS & TSAI LLP

1301 S. Capital of Texas Hwy, C-300

Austin, Texas 78746

T: 512-647-6100

F: 512-647-6129

Thomas C. Riney

State Bar No. 16935100

triney@rineymayfield.com

W. Heath Hendricks

State Bar No. 24055651

hhendricks@rineymayfield.com

RINEY & MAYFIELD LLP

320 South Polk Street, Suite 600

Maxor Building

Amarillo, Texas 79101

T: 806-468-3200

F: 806-376-4509

Richard F. Rowley, II

r2@rowleylawfirm.com

ROWLEY LAW FIRM LLC

P.O. Box 790

Clovis, New Mexico 88102

T: 575-763-4457

F: 575-763-4450

Counsel for Defendant

Ag Acceptance Corporation

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court on February 5, 2016 using the CM/ECF system, which sent notification of such filing to the following:

Philip Roland Russ
philipruss@russlawfirm.com
LAW OFFICES OF PHILIP R. RUSS
2700 S. Western St., Suite 1200
Amarillo, TX 79109

Local Counsel for Plaintiffs

Jeffrey A. Dahl
jad@keleher-law.com
Justin B. Breen
jbb@keleher-law.com
KELEHER & MCLEOD, P.A.
P.O. Box AA
Albuquerque, NM 87103

Lead Counsel for Plaintiffs

/s/ Barbara Whiten Balliette

Barbara Whiten Balliette